



LAW OFFICES OF MARK A. HAMILL, P.C.  
45 SOUTH PARK BLVD.  
SUITE 205  
GLEN ELLYN, IL 60137

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SEP 17 2009

**OFFICE OF PETITIONS**

In re Application of Peterson	:	
Application No. 10/672,003	:	Decision on Petition
Filing Date: September 25, 2003	:	
Attorney Docket No. PET-101	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 14, 2009, to revive the above-identified application.

The petition is **granted**.

Facts

The Office mailed a Notice of Allowance on March 19, 2007. The Notice of Allowance required payment of \$700 for the issue fee and \$300 for the publication fee. The Notice set a statutory period for reply of three (3) months.

An issue fee transmittal sheet and check for \$1,000 were filed June 25, 2007 (Certificate of Mailing date of June 19, 2009). The \$1,000 check was returned by unpaid by the bank. As a result, the application became abandoned as a matter of law on June 20, 2007.

A Notice of Abandonment was mailed July 27, 2007.

Decision

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1), petitioner has supplied the issue fee of \$755, the publication fee of \$300, and \$50 for the fee required as a result of the check returned unpaid by the bank.

As to item (2), petitioner has submitted the petition fee of \$810.

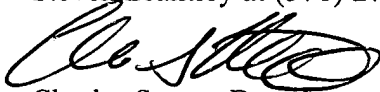
As to item (3), petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

As to item (4), a terminal disclaimer is unnecessary because the instant application is a nonprovisional application filed after June 8, 1995.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized, cursive flourish at the end.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions